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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,929	09/06/2000	Garland Stephens	8224.002.NPUS00	8518
28694 7590 10/16/2008 NOVAK DRUCE + QUIGG LLP 1300 EYE STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005				
EXAMINER				
NGUYEN, NGA B				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/655,929

**Applicant(s)**

STEPHENS ET AL.

**Examiner**

Nga B. Nguyen

**Art Unit**

3692

**Period for Reply** -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 12 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 12 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment filed on June 11, 2008, which paper has been placed of record in the file.
2. Claims 1-3, 12, and 25-28 are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 1-3, 12, and 25-28 have been fully considered but are moot in view of new ground of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 12, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter et al (hereinafter Reiter), U.S. Patent No. 6,405,313, in view of Mosler et al (hereinafter Mosler), U.S. Patent No. 6,304,858.

Regarding to claim 1, Reiter discloses a system for determining a linear combination of structured cash flow exchanges having a net present value of substantially zero comprising: a digital information storage medium, the medium further comprising data representing processor instructions that operate on data corresponding to a graph having at least one node and produce data representing the maximum flow for the graph (*figures 4A-4B and column 8, line 35-column 9, line 65, graphs showing maximum flow and minimum cut; figure 6 and column 10, lines 20-35, the user 620 communicates with the broker 610 by computer to obtain a name-to-key binding and obtain insurance for that binding which is suitable for his applications needs*).

Reiter does not disclose a least one node corresponding to at least one swap. However, Mosler discloses swap transaction (*column 1, lines 25-50, swap is a well-known financial transaction*). Therefore, it would have been obvious to one with ordinary

skill in the art at the time the invention was made to modify Reiter's to adopt the teaching of Mosler above, for the purpose of providing more convenient and easier to assist a user in selecting among a plurality available paths for swap transactions.

Regarding to claim 2, Reiter discloses a system for determining a linear combination of structured cash flow exchanges having a net present value of substantially zero comprising: a digital information storage medium, the medium further comprising data representing processor instructions that operate on data corresponding to a graph having at least one node and produce data representing the minimum cut of the graph (*figures 4A-4B and column 8, line 35-column 9, line 65, graphs showing maximum flow and minimum cut; figure 6 and column 10, lines 20-35, the user 620 communicates with the broker 610 by computer to obtain a name-to-key binding and obtain insurance for that binding which is suitable for his applications needs*).

Reiter does not disclose a least one node corresponding to at least one swap. However, Mosler discloses swap transaction (*column 1, lines 25-50, swap is a well-known financial transaction*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reiter's to adopt the teaching of Mosler above, for the purpose of providing more convenient and easier to assist a user in selecting among a plurality available paths for swap transactions.

Regarding to claim 3, Reiter discloses a system for determining a linear combination of transactions, comprising one or more digital information storage media, the one or more media further comprising data representing instructions for:

adding information corresponding to a node to a data structure corresponding to a graph;

querying one or more data sources for one or more transaction that at least partially match the requirements of the possible transaction corresponding by the node;

adding information to the data structure corresponding to a second node, the second node corresponding to at least one transaction at least partially matching the query requirements;

adding information to the data structure corresponding to an arc from the node to one or more nodes corresponding to transactions that at least partially match the requirements of possible the transaction represented by the node;

determining one or more values corresponding to the maximum flow on the graph.

*(figures 4A-4B and column 8, line 35-column 9, line 65, graphs showing maximum flow and minimum cut; figure 6 and column 10, lines 20-35, the user 620 communicates with the broker 610 by computer to obtain a name-to-key binding and obtain insurance for that binding which is suitable for his applications needs; column 13, line 35-column 14, line 10, repeating steps until minimum cut insurance amount is determined).*

Reiter does not disclose a least one node corresponding to at least one swap. However, Mosler discloses swap transaction (*column 1, lines 25-50, swap is a well-known financial transaction*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reiter's to adopt the

teaching of Mosler above, for the purpose of providing more convenient and easier to assist a user in selecting among a plurality available paths for swap transactions.

Regarding to claim 12, Reiter discloses a method for determining a set of structured cash flows for exchange, comprising:

establishing in one or more memories a data structure corresponding to a graph having nodes corresponding to a collection of at least partial exchange definitions (*figure 6 and column 10, lines 20-35, the user 620 communicates with the broker 610 by computer to obtain a name-to-key binding and obtain insurance for that binding which is suitable for his applications needs*);

a portion of the data structure corresponding to at least on edge between exchange definitions having at least partially compatible terms (*figures 4A-4B and column 8, line 35-column 9, line 65, graphs showing maximum flow and minimum cut; column 10, lines 1-18, assigning attribute and liability value*);

the at least partially compatible terms including *at least one of: an underlying, a start date, an end date, a variance (column 10, lines 1-18, e.g. liability value)* .

determining data corresponding to a linear combination of edges corresponding to a maximum notional amount for the graph with respect to one or more exchange definitions (*figures 4A-4B and column 8, line 35-column 9, line 65, graphs showing maximum flow and minimum cut; column 12, lines 10-38, the notional amount of insurance*).

Reiter does not disclose a least one node corresponding to at least one partial swap definition. However, Mosler discloses swap transaction (*column 1, lines 25-50, swap is a well-known financial transaction*). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Reiter's to adopt the teaching of Mosler above, for the purpose of providing more convenient and easier to assist a user in selecting among a plurality available paths for swap transactions.

Claims 25-28 contain similar limitations found in claims 1-3 and 12 above, therefore, are rejected by the same rationale.

### ***Conclusion***

7. Claims **1-3, 12, and 25-28** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:



Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/  
Primary Examiner, Art Unit 3692

October 10, 2008